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EXAMINER

NGUYEN, THU HA T

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2155

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/282,692
Filing Date: March 31, 1999
Appellant(s): LITA, CHRISTIAN

International Business Machines Corporation (IBM)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 13, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that dependent claims 2-8, 10-14, 16-17, and 19-20 stand or fall together with independent claims 1, 9, 15, 18, 21 and 22 respectively.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C.

§ 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

OR

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 1-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Cherkasova et al.** (hereinafter Cherkasova) U.S. Patent No. **6,360,270**.

3. As to claim 1, **Cherkasova** teaches the invention as claimed, including a method for managing connection requests to a pool of servers identified by a given URL, comprising the steps of:

in response to a connection request from a given client machine that initiates a session, associating a session identifier with a given server in the pool (figures 1, 3, col. 4 lines 15-35, col. 6 lines 4-8, col. 10 lines 9-37 – the server creates and return a transaction Identifier to the client (i.e. the server is then the 'given server'));

using the session identifier in a redirection response (col. 4 lines 50-col. 5 lines 8, col. 6 lines 1-8, col. 10 lines 9-17);

returning the redirection response to the given client to redirect the connection request to the given server (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17 - the server sends a response containing transaction Identifier to the client (which can be read as 'redirection response')); and

during the session, receiving at the given server any additional connection requests from the given client machine (abstract, col. 5 lines 40-57, col. 10 lines 25-34 – the admission controller forward all requests that contain valid transaction Identifier to appropriate server).

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4. As to claim 2, **Cherkasova** teaches the invention as claimed, wherein the step of using the session identifier includes generating a virtual URL (col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17- the message contains transaction ID as a hidden fields in forms (which can be interpreted as virtual URL)).

5. As to claim 3, **Cherkasova** teaches the invention as claimed, wherein the virtual URL comprises a URL in the connection request modified to include the session identifier (col. 5 lines 65-col. 6 lines 8).

6. As to claim 4, **Cherkasova** teaches the invention as claimed, wherein the session identifier is incorporated in data returned from the given server to the client machine (col. 6 lines 2-8).

7. As to claim 5, **Cherkasova** teaches the invention as claimed, further including the step of: in response to a connection request from the given client machine that terminates the session, inactivating the session identifier (figure 2, col. 5 lines 9-col. 6 lines 9). Every time the client sends a new request message then admission controller checks the session identifier and accepts the activation. It is inherent that the virtual URL or session identifier inactivates when user session is completed or not in the connection session.

8. As to claim 6, **Cherkasova** teaches the invention as claimed, wherein the given client machine include a browser (figure 3).

9. As to claim 7, **Cherkasova** teaches the invention as claimed, wherein each of the servers in the pool supports a similar set of objects (col. 4 lines 50-58).

10. As to claim 8, **Cherkasova** teaches the invention as claimed, wherein the session identifier is associated with a given server as a function of a load balancing protocol (col. 3 lines 60-col. 4 lines 21).

11. As to claim 9, **Cherkasova** teaches the invention as claimed, including a method for managing connection requests to a pool of servers, comprising the steps of:
responsive to a connection request from a client machine to initiate a user session, associating a user session originating from a client machine with a given server in the pool in accordance with a load balancing protocol (figures 1, 3, col. 4 lines 15-35, col. 10 lines 9-37 – the server creates and return a transaction Identifier to the client (i.e. the server is then the 'given server'));

returning a redirection response to the client machine for the connection request (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17- the server sends a response containing transaction Identifier to the client (which can be read as 'redirection response')); and

during the user session, receiving at the given server any additional connection requests originating from the client machine (abstract, col. 5 lines 40-57, col. 10 lines 25-34 – the admission controller forward all requests that contain valid transaction Identifier to appropriate server). It is inherent that admission controller 14, figure 1, does the load balancing job between client and server so as it is clearly use load balancing protocol to communicate between client and server.

12. As to claim 10, **Cherkasova** teaches the invention as claimed, wherein the associating step comprises: generating a virtual URL by modifying a given URL to include a session identifier; using the virtual URL to redirect the connection request to the given server (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17 - the message contains transaction ID as a hidden fields in forms (which can be interpreted as virtual URL)).

13. As to claim 11, **Cherkasova** teaches the invention as claimed, further including the step of inactivating the virtual URL upon completion of the user session (figure 2, col. 5 lines 9-col. 6 lines 9). Every time the client sends a new request message then admission controller checks the session identifier and accepts the activation. It is inherent that the virtual URL or session identifier inactivates when user session is completed or not in the connection session.

14. As to claim 12, **Cherkasova** teaches the invention as claimed, wherein all data returned from given server to the client machine includes the session identifier (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17).

15. As to claim 13, **Cherkasova** teaches the invention as claimed, wherein each of the servers in the pool supports a similar set of given objects (col. 4 lines 50-58, col. 9 lines 44-col. 10 lines 37).

16. As to claim 14, **Cherkasova** teaches the invention as claimed, wherein each client machine include a Web browser (figure 3).

17. As to claim 15, **Cherkasova** teaches the invention as claimed, including a computer program product in a computer-readable medium for managing connection requests to a pool of servers, comprising the steps of:

means, responsive to a connection request from a client machine to initiate a user session, for associating a user session originating from a client machine with a given server in the pool in accordance with a load balancing protocol (figures 1, 3, col. 4 lines 15-35, col. 10 lines 9-37 – the server creates and return a transaction Identifier to the client (i.e. the server is then the 'given server'));

means for returning a redirection response to the client machine for the connection request (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines

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44-col. 10 lines 17 - the server sends a response containing transaction Identifier to the client (which can be read as 'redirection response')); and

means operative during the user session for receiving at the given server any additional connection requests originating from the client machine (abstract, col. 5 lines 40-57, col. 10 lines 25-34 – the admission controller forward all requests that contain valid transaction Identifier to appropriate server). It is inherent that admission controller 14, figure 1, does the load balancing job between client and server so as it is clearly use load balancing protocol to communicate between client and server.

18. As to claim 16, **Cherkasova** teaches the invention as claimed, wherein the associating means comprises: means for generating a virtual URL by modifying a given URL to include a session identifier; means for redirecting a given connection request to the given server using the virtual URL (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17 - the message contains transaction ID as a hidden fields in forms (which can be interpreted as virtual URL)).

19. As to claim 17, **Cherkasova** teaches the invention as claimed, further including: means for inactivating the virtual URL upon completion of the user session (figure 2, col. 5 lines 9-col. 6 lines 9). Every time the client sends a new request message then admission controller checks the session identifier and accepts the activation. It is inherent that the virtual URL or session identifier inactivates when user session is completed or not in the connection session.

20. As to claim 18, **Cherkasova** teaches the invention as claimed, including a server for managing a pool of servers at a Web site identified by a given URL, comprising:

- a processor (col. 3 lines 54-59);
- an operating system (figures 1, 3, col. 9 lines 53-64);
- a load balancing routine (figures 1, 3); and
- a redirector routine for managing HTTP connection requests to the Web site, comprising: means responsive to a connection request from a client machine to initiate a user session for associating a user session originating from a client machine with a given server in the pool in accordance with the load balancing routine (figures 1, 3, col. 4 lines 15-35, col. 10 lines 9-37 – the server creates and return a transaction Identifier to the client (i.e. the server is then the 'given server')); means for returning a redirection response to the client machine for the connection request (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17 - the server sends a response containing transaction Identifier to the client (which can be read as 'redirection response')); and means operative during the user session for redirecting to the given server any additional connection requests originating from the client machine (abstract, col. 5 lines 40-57, col. 10 lines 25-34 – the admission controller forward all requests that contain valid transaction Identifier to appropriate server). It is inherent that admission controller 14, figure 1, does the load balancing job between client and server so as it is clearly use load balancing routine to communicate between client and server.

21. As to claim 19, **Cherkasova** teaches the invention as claimed, wherein the means for associating comprises: means for generating a virtual URL by modifying a given URL to include a session identifier; means for redirecting a given connection request to the given server using the virtual URL (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17).

22. As to claim 20, **Cherkasova** teaches the invention as claimed, wherein the redirector further includes: means for inactivating the virtual URL upon completion of the user session (figure 2, col. 5 lines 9-col. 6 lines 9). Every time the client sends a new request message then admission controller checks the session identifier and accepts the activation. It is inherent that the virtual URL or session identifier inactivates when user session is completed or not in the connection session.

23. As to claim 21, **Cherkasova** teaches the invention as claimed, including a method of managing a pool of servers at a Web site identified by a given URL, comprising the steps of:

responsive to a connection request from a client machine to initiate a user session, associating a user session originating from a client machine with a server in the pool of servers in order to distribute user sessions across the pool of servers in accordance with a load balancing protocol (figures 1, 3, col. 4 lines 15-35, col. 10 lines

9-37 – the server creates and return a transaction Identifier to the client (i.e. the server is then the 'given server')); and

returning a redirection response to a given client machine for the connection request (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17 - the server sends a response containing transaction Identifier to the client (which can be read as 'redirection response')); and

during a given user session initiated from the given client machine, serving content to the given client machine only from its associated server (abstract, col. 5 lines 40-57, col. 10 lines 25-34 – the admission controller forward all requests that contain valid transaction Identifier to appropriate server). It is inherent that admission controller 14, figure 1, does the load balancing job between client and server so as it is clearly use load balancing protocol to communicate between client and server.

24. As to claim 22, **Cherkasova** teaches the invention as claimed, including a method of managing a pool of servers at a Web site identified by a given URL, comprising the steps of:

in response to a connection request containing the given URL from a given client machine that initiates a session, associating a session identifier with a given server in the pool of servers (figures 1, 3, col. 4 lines 15-35, col. 10 lines 9-37 – the server creates and return a transaction Identifier to the client (i.e. the server is then the 'given server'));

generating a virtual URL by modifying the given URL from the connection request to include the session identifier; generating a redirection response comprising the virtual URL (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17 - the message contains transaction ID as a hidden fields in forms (which can be interpreted as virtual URL - the server sends a response containing transaction Identifier to the client (which can be read as 'redirection response')); and

sending the redirection response to the given client machine to redirect the connection request to the given server (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17 - - the server sends a response containing transaction Identifier to the client (which can be read as 'redirection response')).

(11) Response to Argument

(A) 1. The appellant argues, with respect to independent claim 1 and its dependent claims 4-7, that the present invention discloses session identifiers may originate at a server in the pool of servers. In contrast, the admission controller in the system taught by Cherkasova et al. performs its own session management without assistance from any of the servers in a cluster of servers.

The examiner disagrees with appellant's argument since the feature of "session identifiers may originate at a server in the pool of servers" is not shown in the claim language. Thus, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., session identifiers may originate at a server in the pool of servers)

are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, Cherkasova et al. teaches admission controller 14 (figure 1) does functionality as a proxy server/gateway (also read as a server) (figures 3-4, gateway 62, proxy server 64) that generates and maps/associates the correspond transaction identifier (i.e., session identifier) in the transaction list and returns a transaction identifier to client in a form as a "cookie" or in a hidden field of an HTTP form (see col. 4, lines 15-35, col. 5, line 41-col. 6, line 8).

2. Appellant argues that the message is not redirected to a server if a determination is made to perform further processing on the message in Cherkasova et al. system.

In response to appellant's argument, examiner asserts that Cherkasova teaches the server sends/returns a response containing transaction identifier to the client (which can be read as "redirection response") for subsequent request messages to the web server (which can be read as "redirect connection to a given server") as shown in col. 6, lines 4-8, col. 9, line 44-col. 10, line 17.

3. Appellant argues that Cherkasova et al. does not disclose a session identifier is associated with a server in a server of servers.

In response to appellant's argument, examiner asserts that Cherkasova et al. teaches admission controller 14 (figure 1) does functionality as a proxy server/gateway (also read as a server) (figures 3-4, gateway 62, proxy server 64) that generates and

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maps/associates the correspond transaction identifier (i.e., session identifier) in the transaction list and returns a transaction identifier to client in a form as a "cookie" or in a hidden field of an HTTP form (see col. 4, lines 15-35, col. 5, line 41-col. 6, line 8).

4. Appellant argues that Cherkasova et al. does not disclose the transaction identifiers are placed into redirection response.

In response to appellant's argument, examiner submits that Cherkasova teaches the server sends/returns a response containing transaction identifier to the client (which can be read as "redirection response") for subsequent request messages to the web server (which can be read as "redirect connection to a given server") as shown in col. 6, lines 4-8, col. 9, line 44-col. 10, line 17.

5. Furthermore, appellant argues that Cherkasova et al. does not disclose additional incoming request from a particular client are sent to a particular server.

In response to appellant's argument, examiner asserts that Cherkasova et al. teaches the transmission controller 14 forwards all request messages that contain valid transaction identifier to server 12 (figure 1) if determining that server has sufficient resources and adequately handle additional sessions as shown in col. 5, lines 40-57, col. 10, lines 25-34.

(B) Appellant argues that with respect to independent claim 22, the second element of claim 22 appears to have been ignored by the rejection because no specific citation within Cherkasova et al. was presented by the rejection.

In response to appellant's argument, examiner submits that the second element of independent claim 22 "generating a virtual URL by modifying the given URL from the

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connection request to include the session identifier; generating a redirection response comprising the virtual URL...” has been clear presented in the previous rejection (dated June 07, 2004) and also presented in this action (see rejection above under Ground of Rejection section). Cherkasova et al. teaches the step of generating a message containing transaction identifier (i.e., session identifier) in a form as a “cookie” or in a hidden field of an HTTP form (which can be interpreted as a virtual URL) and the server sends a response containing transaction ID in a “cookie” or in a hidden field of an HTTP form to the client (which can be read as “redirection response”) as shown in col. 4, lines 15-35, col. 5, line 41-col. 6, line 8, col. 9, line 44-col. 10, line 17.

(C) Appellant argues that Cherkasova et al. does not teach or disclose load balancing over ser of servers.

In response to appellant’s argument, examiner asserts that Cherkasova et al. teaches the admission controller does the load balancing job between servers (such as web servers 56, 58, figure 3) by monitoring processing load on servers and determining if which server has sufficient resources and adequately handle additional sessions as shown in col. 4, lines 1-15, col. 7, lines 1-51, col. 10, lines 24-38.

(D) Appellant argues that Cherkasova et al. does not disclose the feature of generating a virtual URL by modifying a given URL to include a session identifier and using the virtual URL to redirect the connection request to the given server.

In response to appellant’s argument, examiner submits that the examiner has already addressed this argument in response to point (B) above.

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In addition, appellant argues that Cherkasova et al. does not disclose load balancing.


In response to appellant's argument, examiner also pointed out this argument in point (C) above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

ThuHa Nguyen
June 27, 2005

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